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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 1, 2002.

*Garee A. Haney*  
Garee A. Haney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Robert MCDANIEL

Serial No.: 09/991,448

Filing Date: November 16, 2001

For: PRODUCTION OF 8, 8A-DIHYDROXY-  
6-DEOXYERYTHRONOLIDE B

Examiner: To Be Assigned

Group Art Unit: 1625

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Numbers 09/768,927, filed January 23, 2001, now United States Patent Number 6,388,099, and 09/428,517, filed October 28, 1999, now United States Patent Number 6,251,636 and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This application is a Divisional of United States Serial Number 09/768,927, filed January 23, 2001, now United States Patent Number 6,388,099, and is a Continuation-in-Part of United States Serial Number 09/428,517, filed October 28, 1999, now United States Patent Number 6,251,636, and claims the benefit of the filing dates of United States Provisional Application Serial Numbers 60,177,660, filed January 27, 2000; 60/120,254, filed February 16, 1999; and 60/106,100, filed October 29, 1998.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

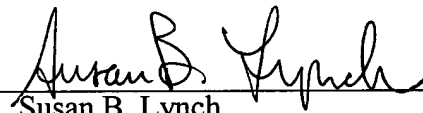
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been

made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 300622005210. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 7, 2002

Respectfully submitted,

By:   
Susan B. Lynch  
Registration No. 51,979

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Form PTO-1449

Docket Number 300622005210

Application Number 09/991,448

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

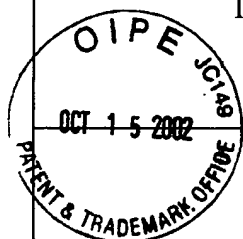
Applicant

Robert McDANIEL

Filing Date November 16, 2001

Group Art Unit 1625

Mailing Date October 7, 2002



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/1956	2,757,123	Sobin et al.	536	7.2	
	2.	09/1997	5,672,491	Khosla et al.	435	148	
	3.	01/1998	5,712,146	Khosla et al.	435	252.35	
	4.	10/1999	5,962,290	Khosla et al.	435	183	
	5.	12/1999	6,004,787	Katz et al.	435	183	
	6.	03/2000	6,033,883	Barr et al.	435	148	
	7.	05/2000	6,063,561	Katz et al.	435	4	
	8.	05/2000	6,066,721	Khosla et al.	536	23.1	
	9.	01/2001	6,177,262	Ziermann et al.	435	76	
	10.	03/2001	6,200,813	Katz et al.	435	477	
	11.	06/2001	6,251,636	Betlach et al.	435	76	
	12.	08/2001	6,271,255	Leadlay et al.	514	450	
	13.	08/2001	6,274,560	Khosla et al.	514	29	

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## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	14.		WO 98/41315	WIPO			
	15.	04/1999	WO 99/05283	WIPO			
	16.	05/2000	WO 00/026349	WIPO			
	17.	04/2001	WO 01/27284	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	18.	Betlach et al., Biochemistry (1998) 37:14937-14942

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 300622005210

Application Number 09/991,448

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

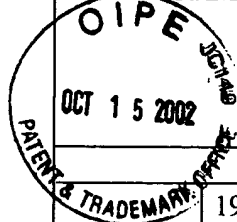
(Use several sheets if necessary)

Applicant

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